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AUTHOR Williams, Allan S.
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ABSTRACT

Because many school districts now face reductions in teaching and administrative staff, this short article provides information about administrative policies and roles in reducing school staffs. A section on the legal precedents for releasing tenured teachers sets out some relevant court decisions and the conditions necessary for reduction of tenured staff. The author addresses 14 commonly asked questions, including those about the steps personnel administrators should take in reductions in force, the problem of establishing seniority, the roles of principals and superintendents in school closings, the planning necessary for a reduction in force, and the ways that school districts can prevent job security from becoming a contract issue. The provisions of the retirement incentive program used by the Pasadena Unified School District (California) are included, as is a memorandum from the superintendent of the Bedford (Massachusetts) public schools that announces the dismissal of teachers and details the steps for teachers to apply for transfer. The article concludes with a list of other sources of information on reductions in force. (JW)

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Some Notes on

Reduction In Force

Allan S. Williams
Professor of Education
Austin Peay State University
Clarksville, Tennessee 37040

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Introduction

The handwriting is on the wall!

Conditions, both economically and demographically, have sharply changed the scene in education and has altered the thinking of school board members and school administrators.

Many of the some 16,000 school districts throughout the country are now facing declining enrollments, taxpayer's revolts, inflation, oversupply of teachers and administrators, defeat of school bond referendums, and most tragically, a strong loss of confidence in the schools.

Reduction in force (RIF) is a new experience for teachers, administrators, and school board members.

Hopefully, the next few pages will shed some light and some guidance on this new phenomenon.

Legal Precedents

The United States Constitution, silent on the matter of education, is equally silent on the matter of RIF.

Teacher tenure is generally granted by state laws specifying the conditions under which tenured personnel may be dismissed.

Decline in enrollment, termination of programs, or serious financial exigency are usually specified in state laws as grounds for terminating tenured teachers. Furthermore, courts have held under such circumstances teachers could be terminated even if the state tenure laws were silent on the matter. (Ehret v. Kulpment School District 5, A. 2d 188, 1939)

However, where financial exigency is claimed to be the grounds for terminating a tenured employee, the courts will carefully examine all relevant finances to determine if the reductions are necessary. The burden of proof is on the school board to show there is a financial exigency and uniform and rational procedures are applied to carry out the reductions. (Bignall v. North Idaho College, 538 F. 2d 243, 9th Cir. Ct., 1976)

Collective bargaining or professional negotiation agreements between teachers' organizations and local school boards should provide plans for a uniform and rational set of procedures to rely upon if local conditions make reduction in force unavoidable.

Unfortunately, many school boards across the country have not yet addressed itself to this new fact of life in public education.

COMMONLY ASKED QUESTIONS ABOUT REDUCTION IN FORCE[1]

1. What specific steps should be used by the school administrator for personnel in matters of RIF?

   + Rank employees in order of seniority.
   + Consult with legal counsel for specific wording of written notices to ensure all the legal technicalities and notification deadlines will be met.
   + It is usually considerate to include some less formal message within the body of the letter.
   + Hold a preliminary meeting with possibly affected teachers.
   + Issue letters informing teachers they may be excessed within the coming year. (by registered mail)
   + Issue letters informing teachers they will be excessed. (by registered mail)

2. What if two or more teachers were employed at the same time?

   In this case some school districts have held drawings to establish seniority. If a lottery is to be used, the following guidelines are suggested:

   + Hold drawing early in the school year.
   + Conduct drawing with an auditor and teacher organization representative present to witness the proceedings.
   + Do not allow teachers to personally draw numbers from the lottery. (this causes unnecessary anxiety)
   + Request witnesses to sign consent statement upon the completion of drawing.

3. What is an alternative to RIF?

   The Early Retirement Incentive Program (ERIP) could be a solution. See pages 5 and 6 for examples of how this is done.

4. What can a district do to help well qualified excessed teachers?

   Many districts send listings of the teachers they are laying off along with their qualifications and recommendations to neighboring districts.

[1] AASA, "Declining Enrollment," pp. 31-34.

5. What are alternatives to administrator RIF?

Some districts have used excessed building administrators in one- to two-year consultant positions. In one district, an excessed administrator was reassigned as a RIF coordinator.

6. What is the role of the principal in school closings?

School principals are often the least used but probably most valuable resource of the district. Principals frequently operate on the "outer fringes" of central office, so most teachers do not regard them as "the administration." Likewise, they are not considered part of the teaching ranks by central office, so most chief administrators do not regard them as "the teachers." The unique position held is that of middle manager and therefore acceptable to everybody. Usually principals know and enjoy good relationships with parents and community - frequently much closer contact than any other person in the district.

Remember, superintendents may come and go, but principals always stays. All these make the principal of unparalled value in community/school relations - especially in school closings.

7. What can the superintendent do to help principals during school closing efforts?

+ Principals should be fully briefed as to the needs of the district years before a school closing is a reality; and continually briefed as events unfold.

+ Principals should be provided with a direct channel for input and play an integral role in the planning. They both want and need to be involved in the decision-making process.

+ They will need to be sensitized to the emotional/ psychological concerns of teachers and community.

+ They will need special "briefing sessions" if they are going to be responsible for conducting coffee hours in the community or public meetings at school.

+ They will need to be given support materials, such as newsletters, questionnaires, etc., if they are to act effectively in the community.

8. What suggestions can be offered to plan for RIF?

+ A moratorium on leave policies will reduce the number of teachers returning to claim positions vacated at higher enrollment levels. Offer only one- or two-year termination contracts to new teachers. (Some states prohibit this policy.

+ Institute an Early Retirement Incentive Program.

+ Institute staffing needs studies before going into contract negotiations which may call for job security in the new contract.

+ Prepare the community and staff for possible teacher reductions.

+ Request that teachers planning to retire or leave the district file such intention at least a year in advance whenever possible.

9. What can subject area supervisors do to provide for program continuity?

+ Some districts have required student program record cards for each student in the district. These cards list the materials the child has used and the progress achieved.

+ Every attempt should be made to move materials and teachers to the same new school as the child.

+ Feed-in transitional programs should be instituted when similar reading or math programs do not exist in the new school.

10. What specific guidelines for inventory should be instituted?

New inventory forms should be developed. These forms should provide for other than simple numbers recording - columns for "outdated" materials slated for disposal, columns for "ultimate destination" of materials. In addition, guidelines for what constitutes "school" material and what can be termed "teacher-held" material need to be clearly delineated.

This is a highly-charged item for teachers!

11. How can school districts keep job security from becoming a negotiations' issue?

Keeping difficult issues off the negotiations' table is the responsibility of the school district negotiator. Be the negotiator an outside attorney, a professional negotiator, a school administrator, or a member of the school board, the main function will be to determine those items which are considered non-negotiable. Items which protect the control over the school system operations are essentially the domain of the school board and administration. More and more, however, any and all items which are related to the operations of schools are becoming negotiable. A firm position in this particular matter of job security, along with community understanding, will be necessary.

12. How can school districts prepare for the possible "public outcry" which will accompany the release of young staff who are well-liked by parents?

Only an extensive public information program, one which keeps all citizens notified of the circumstances involved, will guarantee that a school district will enjoy a sympathetic ear from its community when younger staff members are forced out of their positions.

13. What are the most common bases for deciding which teachers are qualified to be retained for their positions?

"Certification," "evaluation," "tenure," and "seniority."

If all teachers are equal, there is a certain fairness in the traditional "last-hired, first-fired" policy in which untenured teachers go first and tenured teachers go in reverse order of seniority.

14. Who is qualified to stay?

Statutes and court decisions universally require teachers who are retained be "qualified" for the position that remain. The word - and thus the standard - is usually incorporated into state law.

Early Retirement Incentive Programs
(Pasadena Unified School District)

The Pasadena Early Retirement Incentive Program was designed to help solve the problem of declining enrollments and to save the district money by encouraging those at the maximum salary to retire early.

The specific components of the program:

1. The person must have served satisfactorily for a minimum of 10 years with the Pasadena Unified School District.

2. The person must be currently earning $11,194 or more. (People on leave or on part-time assignments would not be eligible.)

3. The person has to be 50 years of age or older.

4. The person selecting the program would serve a maximum of 20 days per year at activities mutually agreed upon. These activities varied with the individuals but in general included:
   a. Demonstration teaching.
   b. Working on staff development and inservice programs.
   c. Helping with testing programs.
   d. Compiling test data as it relates to Reading and Math Profiles.
   e. Orienting and providing aid to new teachers.
   f. Designing and producing programs for the closed circuit TV station.
   g. Updating curriculum guides and other learning materials. (Substitute teaching was not included.)

5. The person selecting Early Retirement would be on a contract as a Consultant for a period of 5 years or to age 65, whichever came first.

6. The person would be eligible to maintain the Medical Insurance Plan currently held. (This was Ross Loos and Blue Cross, but did not include Vision or Dental Programs available to district employees.)

7. The annual compensation for Consultants under this program would range from $2500 to $4000, based upon the following schedule:

Amount Presently Earned	*Early Retirement Incentive Plan*
$11,194-11,619	$2500
11,620-12,045	2600
12,046-12,805	2750
12,806-13,565	3000
13,566-14,325	3250
14,326-15,085	3500
15,086-15,839	3750
15,840 or over	4000

Office of the Superintendent of Schools (Bedford, Massachusetts, Public Schools)

TRANSFERS AND POSITION PLACEMENT

This notice deals specifically with faculty members in elementary classroom teaching situations; because of the importance of it all, however, the notice is going to all staff members. This morning it was my distinct displeasure to announce to twelve staff members that their services would not be required during the next school year DUE TO THE DECLINE IN THE NUMBER OF TEACHING POSITIONS AT THE ELEMENTARY LEVEL.

This situation has been generated not only by the decline in elementary enrollment but by the past practice of granting Leaves of Absence...In addition, the elementary teaching staff has been reduced by four positions.

At the present time there are no known retirements this June nor have any staff members other than first year personnel expressed any plans for leaving the system's employment.

Frankly speaking, the system is at a point where twelve "first year" personnel have received dismissal letters in accord with the legal requirement that such letters be received by April 15. We know that we have perhaps four openings and we hope that further developments might alleviate the circumstances of the dismissal procedure mentioned above.

STEPS TO BE TAKEN

1. Any elementary staff members who desire transfers during the next school year should state their interest to the Superintendent's Office in writing within the next ten days (before April 25).

2. In the absence of transfer requests it may be necessary to transfer "involuntarily" one or two tenured staff members. (Presently there are four 6th grade teachers at Lane, with only three positions in the next year. A similar situation exists at the 3rd grade level at Davis.) This process must take place, if necessary, prior to May 15.

3. The above steps are specified in Article 12 of the School Committee/ Teacher Association contract. When these steps have been taken, administrative decisions will be required to fill the balance of the openings. It is my hope that such openings may be filled with qualified personnel from among those who have been "excessed."

While meeting with the excessed teachers this morning, I pointed out to them that the Superintendent's Office will lend as much support as possible to any efforts they make in seeking employment. At this point, I would urge any staff members who are anticipating retirement, family relocation, or any other cause for cessation or disruption of employment to be in touch with me. Such information, if made available to me, will help to ease some of the anxieties which our younger colleagues are experiencing at this point.

KNOWN OPENINGS FOR STAFF MEMBERS ELIGIBLE FOR TRANSFER

Page School:	Grade 3, Grade 5, Grade 6
Lane School:	Grade 3 (2)
Center School:	Grade 5
Davis School:	Grade 5, Grade 6 (2)

Other Sources of Information on RIF

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Johnson, S.M., "Seniority and Schools," Phi Delta Kappan (December, 1982), pp. 259-264.

MacNaughton, R. and Ross, V.J., "With Preparation, You Can Clear the Teacher Termination Hurdles," American School Board (April, 1982), pp. 32-34.

Noland, C., "If You Must RIF, This Three-Step Process Protects You and Your Staff," American School Board Journal (January, 1982), pp. 28-29.

Peterson, J.D., "Termination and Contract Nonrenewal: How to Prepare for the Hot Seat," NASSP Bulletin (December, 1982), pp. 90-92.

Tennessee School Boards Association, "Reduction in Force," (April, 1981), 1 page.

Stelzer, L. and Banthin, J., "Teachers Have Rights, Too," ERIC Clearinghouse on Educational Management, Eugene, Oregon (1980), pp. 22-40.